

**WETLANDS AND WATERWAYS PROGRAM FEES
ADJUSTMENTS TO APPLICATION FEES**

ACTIVITY	AUTHORITY	EXPLANATION	ACTION
INSTALLATION OF BOAT LIFTS	COMAR 23.02.04.04B	Within the list of activities requiring a license, the Board of Public Works regulations include structures and the conduct of certain other activities “ <i>over</i> , on, in, or under State tidal wetlands.”	<p>Promulgation of a regulation exempting the installation of a boat lift on an existing pier and on existing pilings from the requirement to obtain a State tidal Wetlands license or Tidal Wetlands Permit. The boat lift installation must meet the following requirements:</p> <ul style="list-style-type: none"> ➤ The boat lift is an open, pile-supported structure installed: <ul style="list-style-type: none"> • Within existing pilings; and • On an existing, private noncommercial pier with a maximum of four boat slips and four boat lifts, including lifts installed for personal watercrafts; ➤ The boat lift may not be cantilevered over open water from the existing pier; ➤ The water depth at the site of the boat lift installation is at least two (2) feet deep at mean low water, unless demonstrated to the Department that the boat lift’s minimum water depth requirements are less than two (2) feet; and ➤ The distance from the boat lift to the extended property line is the greater of: <ul style="list-style-type: none"> • Ten (10) feet; or • The minimum distance required by the local jurisdiction in which the installation is proposed.
	COMAR 23.02.04.04	The Board has delegated to MDE the authority to issue licenses for a variety of structures, including “pilings, fixed or floating piers, decks, walkways, boathouses, <i>and related structures on piers</i> in accordance with COMAR 26.24.”	
	COMAR 26.24.04.02B(2)(c)(v)	Pursuant to the Board’s delegation, MDE regulates the installation of boat lifts as a pier-related structure over tidal wetlands and has included restrictions on boat lifts within the regulatory criteria applicable to the construction of piers.	
	Maryland State Programmatic General Permit (MDSPGP)	The MDSPGP issued by the U.S. Army Corps of Engineers allows four boat hoists or lifts per property under Category I-A3ii	

ACTIVITY	AUTHORITY	EXPLANATION	ACTION
OYSTER AQUACULTURE	Environment Article, Annotated Code of Maryland §5-203.1(b)(2)(iv)	MDE may exempt projects from the established application fees when the primary effect of the project is to enhance the State's wetland and water resources.	No application fee will be assessed by MDE for oyster aquaculture.
ROUTINE MAINTENANCE, REPAIR, AND IN-KIND REPLACEMENT OF STRUCTURES	COMAR 24.02.01C.(5)	The following activities are exempt from the requirement to obtain a license from the Board of Public Works or a license, general license, general permit, or permit from the Department when the existing structure is functional and there is no increase in the original length, width, height, or channelward encroachment: Routine maintenance, repair, or replacement of a highway structure, pier, boathouse, a structure on a pier, bulkhead, revetment, tidal impoundment dike, water control structure, aboveground transmission facility, agricultural drainage ditch, or highway drainage ditch.	A riparian property owner must submit a Tidal Wetlands Exemption Confirmation Form to the Department. The Form, if approved by the U.S. Army Corps of Engineers, will not only enable MDE to confirm that an activity is exempt from the State's licensing and permitting requirements, but also satisfy the application requirements of the federal MDSPGP. The Form will also eliminate the application fee currently being charged by the Department for these State-exempted projects. Finally, the Form will allow MDE to review the project for consistency with the federal requirements and issue the MDSPGP on behalf of the Corps.

ACTIVITY	AUTHORITY	EXPLANATION	PROPOSED POLICY
MAINTENANCE DREDGING	§16-202, Environment Article, Annotated Code of Maryland	This section of the Environment Article states that a person may not dredge or fill on State wetlands without a license. State wetlands means any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide.	<p><u>Initial Application Fee: \$750.00</u> All applications for maintenance dredging will be charged an initial application fee.</p> <p><u>Major Application Fee: \$750.00</u> If the maintenance dredging project meets the following criteria, a major application fee also will be assessed.</p>
	§16-307, Environment Article, Annotated Code of Maryland	This section of the Environment Article states that any person proposing to conduct an activity not authorized by regulations on private wetlands must apply to the Maryland Department of the Environment for a permit. Private wetlands are vegetated wetlands above the mean high water line or wetlands which have been transferred by the State by valid grant, lease, patent or grant confirmed by Article 5 of the Maryland Declaration of Rights.	<p><u>Criteria for Major Application Fees:</u></p> <ul style="list-style-type: none"> ➤ Permanently impacts 5,000 square feet or more of wetlands or open water; ➤ Located in an area identified as potentially impacting threatened or endangered species or species in need of conservation; ➤ Located in an area identified as potentially impacting historical or archeological resources; or ➤ Requires issuance of a public notice. <p><u>Impact Fee:</u></p>
	COMAR 26.24.03.01	This regulation establishes specific application requirements for maintenance dredging, in addition to the application requirements in COMAR 26.24.02.02.	<p>An impact fee (calculated by the acres of impact) will be assessed only if an applicant cannot document that the maintenance dredging project was previously authorized by State or federal government.</p> <p><u>Criteria for Assessment of Impact Fees:</u></p> <ul style="list-style-type: none"> ➤ No impact fee will be assessed if proposed dredging was previously authorized by the U.S. Army Corps of Engineers or other federal agency prior to 1970; <p>No impact fee will be assessed if proposed dredging was previously authorized by the State under a Tidal Wetlands License, Tidal Wetlands Permit, or a Water Quality Certification since 1970.</p>